



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

ANESTHESIA ALLIANCE OF DALLAS, P.A.

Respondent Name

AIG ASSURANCE CO

MFDR Tracking Number

M4-16-2456-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

APRIL 15, 2016

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The carrier has issued a payment for our service but not the correct allowable per the 2015 Texas Workers Compensation fee schedule."

Amount in Dispute: \$312.82

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Based on documentation received, Coventry stands behind our review."

Response Submitted by: Gallagher Bassett

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
December 9, 2015	Anesthesia Services CPT Code 01630-QZ	\$112.40	\$112.40
	Therapeutic Phlebotomy CPT Code 99195-59	\$200.42	\$0.00
TOTAL		\$312.82	\$112.40

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- Texas Labor Code §408.027, effective September 1, 2007, sets out the rules for timely submission of
- 28 Texas Administrative Code §134.203 set out the fee guideline for the reimbursement of workers' compensation professional medical services provided on or after March 1, 2008.
- The services in dispute were reduced/denied by the respondent with the following reason code:
 - 39-Services denied at the time authorization/pre-certification was requested.

- BL-This bill is a reconsideration of a previously reviewed bill, allowance amounts do not reflect previous payments.

Issue

1. Does a preauthorization issue exist?
2. Is the requestor entitled to additional reimbursement for code 01630-QZ?

Findings

1. According to the explanation of benefits, the respondent denied reimbursement for the disputed services based upon a lack of preauthorization. A review of the submitted documentation finds that the respondent did not maintain this denial for code 01630-QZ and issued payment of \$494.56; therefore, a preauthorization issue does not exist for code 01630-QZ.

Regarding code 99195-59, the respondent maintained the denial of payment. Furthermore, the submitted documentation indicates, "Therapeutic phlebotomy would not be related to the patient's documented injury. Additionally, therapeutic phlebotomy is not supported by documentation. The provider documents drawing blood for PRP. This does not meet the definition of therapeutic phlebotomy."

28 Texas Administrative Code §133.307(d)(2)(F) states "The response shall address only those denial reasons presented to the requestor prior to the date the request for MFDR was filed with the division and the other party. Any new denial reasons or defenses raised shall not be considered in the review. If the response includes unresolved issues of compensability, extent of injury, liability, or medical necessity, the request for MFDR will be dismissed in accordance with subsection (f)(3)(B) or (C) of this section." A review of the submitted explanation of benefits finds that the relatedness issue for code 99195-59 was not raised prior to the date the request for MFDR; therefore, the relatedness issue will not be considered in this review.

28 Texas Administrative Code §134.600(p)(2) states "Non-emergency health care requiring preauthorization includes: outpatient surgical or ambulatory surgical services as defined in subsection (a) of this section."

The requestor did not submit a report to support preauthorization was obtained for code 99195. As a result, reimbursement is not recommended.

2. 28 Texas Administrative Code §134.203(a)(5) states "Medicare payment policies" when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare."

28 Texas Administrative Code 134.203(b)(1) states "For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules."

28 Texas Administrative Code §134.203(c)(1) states, "...To determine to MAR for professional services, system participants shall apply the Medicare payment policies with minimal modification...For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$53.68..."

The requestor billed CPT code 01630-QZ defined as "Anesthesia for open or surgical arthroscopic procedures on humeral head and neck, sternoclavicular joint, acromioclavicular joint, and shoulder joint; not otherwise specified."

The requestor billed the disputed anesthesiology service using the "QZ" modifier that is described as "CRNA service: without medical direction by a physician."

To determine the MAR the following formula is used: (Time units + Base Units) X Conversion Factor = Allowance.

The Division reviewed the submitted medical bill and finds the anesthesia was started at 1340 and ended at 1507, for a total of 87 minutes. Per Medicare Claims Processing Manual, Chapter 12, Physicians/Nonphysician Practitioners, Payment for Anesthesiology Services Section (50)(G) states

“Actual anesthesia time in minutes is reported on the claim. For anesthesia services furnished on or after January 1, 1994, the A/B MAC computes time units by dividing reported anesthesia time by 15 minutes. Round the time unit to one decimal place.” Therefore, the requestor’s documentation supported a total time of $87/15 = 5.8$.

The base unit for CPT code 01630 is 5.

The DWC Conversion Factor is \$56.2.

The MAR for CPT code 01630-QZ is: (Base Unit of 5 + Time Unit of 5.8 X \$56.2 DWC conversion factor = \$606.96. Previously paid by the respondent is \$494.56. The difference between the MAR and amount paid is \$112.40.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement is due. As a result, the amount ordered is \$112.40.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$112.40 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	05/13/2016
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012**.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.